



**MARICOPA COUNTY  
DRAINAGE REVIEW BOARD  
&  
BOARD OF ADJUSTMENT**  
Board of Supervisors' Auditorium  
205 W. Jefferson Street  
Phoenix, Arizona



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**Agenda  
Thursday, November 8, 2012**

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This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Susan Burgess at [susanburgess@mail.maricopa.gov](mailto:susanburgess@mail.maricopa.gov) or 602-506-2364. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness shall fill out speaker's card and shall be limited to a maximum of 10 minutes. Rebuttal by the applicant shall be limited to a maximum of 5 minutes.

The Drainage Review Board is established, governed and limited by the provision of ARS §11-151, Sections 30 and 36 and ARS §11-251.05 and has to do with the Drainage Regulation and standards of Maricopa County. The Board does not purport to settle or determine or advise concerning other matters that may have application to rights to use real property. All Actions by the Drainage Review Board are final unless an appeal is filed with the Board of Supervisors within thirty (30) days of the Board's decision.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-807. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Code Enforcement Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Adoption of Resolutions: Items acted on in a previous meeting where a resolution was carried forward to amend per said action.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time but shall be moved for continuance either indefinitely or to a date certain. Those items that are continued indefinitely will require new notification.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant's justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

Standard Stipulations (All agenda items shall be subject to the following):

- 1) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.
- 2) General compliance with the site plan submitted with the application.
- 3) All required building permits for proposed and existing development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval, except for Appeals of Temporary Use Permits for temporary housing, which may allow two years to complete construction from date of approval.
- 4) All conditions set forth by the Board of Adjustment shall be complied with prior to the Department of Planning and Development finalizing any building permit or issuing a Certificate of Occupancy, whichever is applicable.

**Call To Order:** 10:00 a.m.

**Roll Call**

**Announcements**

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| <b><u>DRB Approval of Minutes:</u></b>     | September 13, 2012   |
| <b><u>DRB Consent:</u></b>                 | None   |
| D-1 <b>DRB2012005</b>                      | <b>District 2</b>  |
| <b>Applicant:</b>                          | Rick Gutierrez, Desert Land Engineering, Inc. for Arizona Conference Corporation of Seventh Day  |
| <b>Location:</b>                           | 32234 N. Calle De Los Arboles (in the Cave Creek area)   |
| <b>Request:</b>                            | Waiver to permit retention of first flush where retention of the 100-year/2 hour event is the minimum retention required                   |
| <b>Recommendation:</b>                     | <b>Approve</b> with conditions   |
| <b>Presented by:</b>                       | Michael Norris   |
| D-2 <b>DRB2012007</b>                      | <b>District 4</b>  |
| <b>Applicant:</b>                          | Kevin McDougall, McDougall Devcon, LLC   |
| <b>Location:</b>                           | 7239 N. El Mirage Rd.  |
| <b>Request:</b>                            | Waiver to permit retention of first flush, in-lieu of the regulatory requirement of 100-year/2 hour volume                                 |
| <b>Recommendation:</b>                     | <b>Approve</b> with conditions   |
| <b>Presented by:</b>                       | Michael Norris   |
| <b><u>DRB Continuance Agenda:</u></b>      | None   |
| <b><u>DRB Regular Agenda:</u></b>          | None   |
| <b><u>DRB Other Business:</u></b>          | None   |
| <b><u>DRB Adjournment</u></b>              |  |
| <b><u>Code Enforcement Review:</u></b>     | None   |
| <b><u>BOA Approval of Minutes:</u></b>     | August 9, 2012 & September 13, 2012  |
| <b><u>BOA Consent:</u></b>                 | None   |
| B-1 <b>BA2012015</b>                       | <b>District 4</b>  |
| <b>Applicant:</b>                          | Arlington Valley Solar Energy II   |
| <b>Location:</b>                           | Elliot Rd., approx. 1 mi. east of Wintersburg Rd. (in the Tonopah/Arlington Area)  |
| <b>Request:</b>                            | Variance to allow two (2) 500 KV power line support structures at a height exceeding 120 feet where 120 feet is the maximum height allowed |
| <b>Recommendation:</b>                     | <b>Approve</b> with conditions   |
| <b>Presented by:</b>                       | Rob Kuhfuss  |
| <b><u>BOA Adoption of Resolutions:</u></b> | None   |
| <b><u>BOA Continuance Agenda:</u></b>      | None   |

**BOA Regular Agenda:**

B-2     **BA2012008**

**Applicant:**

**Location:**

**Request:**

**Recommendation:**

**Presented by:**

**District 3**

Ron Congdon

6233 E. Alameda Court (in the Cave Creek area)

Variance to permit an existing accessory structure to setback 33 feet, 6 inches from the rear (east) property line where 40 feet the minimum required (Continued from 7/12/2012)

**Deny**

Eric Smith

**BOA Other Business:**

None

**BOA Adjournment**